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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,871	12/14/2001	Werner Anweiler	A-2874	8052

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LERNER AND GREENBERG, P.A.  
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EXAMINER

HINZE, LEO T

ART UNIT PAPER NUMBER

2854

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/016,871

Applicant(s)

ANWEILER ET AL.

Examiner

Leo T. Hinze

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 6-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luser et al., US 5,907,999, in view of Lachajewski, US 6,142,078.

Luser teaches:

- a method of adjusting a quantity of ink supplied to a printing material by a printing machine, which comprises adjusting a quantity of ink as a function of a printing speed

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(e.g. col. 2, lines 19-23), and including, upon the occurrence of a change in the printing speed (e.g. col. 2, lines 22-23), making a change in the quantity of ink as a function of an area coverage to be printed (e.g. col. 2, line 25) (claims 1, 8, and 11).

Lusar does not teach:

- making a change in the quantity of ink as a function of temperature (claim 1);
- making a change in the quantity of ink as a function of an ink property (claim 8);
- making a change in the quantity of ink as a function of a paper property (claim 11).

Lachajewski teaches an adaptive color control system and method for regulating ink in which variables such as ink variations, operating temperature variations, difference in paper stock, and speed of the press (col. 3, lines 5-8) have an effect on the setting of ink control devices. Lachajewski teaches that taking these non-linearities in the operation and environment of the printing press into account when controlling the ink control device is advantageous for overcoming known disadvantages of other systems such as inaccurate, expensive, and time consuming adjustment techniques requiring a high level of operator expertise (col. 2, lines 21-23), and the method that results is an accurate and quick method of determining ink key settings which minimizes the required time and material costs (col. 2, lines 38-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lusar to also account for variations in temperature, properties of the ink, and paper properties, because Lachajewski teaches that taking these non-linearities in the operation and environment of the printing press into account when controlling the ink control device is advantageous for overcoming known disadvantages of other systems such as

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inaccurate, expensive, and time consuming adjustment techniques requiring a high level of operator expertise, and the method that results is an accurate and quick method of determining ink key settings which minimizes the required time and material costs.

4. Claims 6, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lusar in view of Lachajewski and Bradford et al., US 2,971,461.

Lusar teaches:

- a device for printing a printing material, comprising: an ink duct (9) having an ink duct roller (10), a ductor roller (11), and a transfer roller (12), said ductor roller in contact both with said ink duct roller and said transfer roller, said transfer roller serving for transferring a quantity of ink transferable from said ductor roller to the printing material via further rollers; and a control device (40), said control device being connected to a memory (col.6, line 6) having stored therein values (col. 2, lines 47-50) for an ink amount to be transferred as a function of the printing speed and an area coverage to be printed (col. 2, lines 22-23), said control device serving for adjusting the amount of ink transferred as a function of the printing speed and the area coverage to be printed (claims 6, 14, and 15).

Lusar does not teach:

- a pivotable ductor roller, said ductor roller to be brought into contact both with said ink duct roller and said transfer roller; and adjusting the ink stripe length as a function printing speed and of a temperature, and ink property, or a paper property (claims 6, 14, and 15).

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Bradford teaches a method and means for operating a press, including:

- a pivotable ductor roller (15), said ductor roller to be brought into contact both with said ink duct roller (14) and said transfer roller (16) (claims 6, 14, and 15);
- that ink stripe length is an important parameter that effects the amount of ink transferred (col. 3, lines 25-29).

Lachajewski teaches an adaptive color control system and method for regulating ink in which variables such as ink variations, operating temperature variations, difference in paper stock, and speed of the press (col. 3, lines 5-8) have an effect on the setting of ink control devices. Lachajewski teaches that taking these non-linearities in the operation and environment of the printing press into account when controlling the ink control device is advantageous for overcoming known disadvantages of other systems such as inaccurate, expensive, and time consuming adjustment techniques requiring a high level of operator expertise (col. 2, lines 21-23), and the method that results is an accurate and quick method of determining ink key settings which minimizes the required time and material costs (col. 2, lines 38-41).

Regarding claims 6, 14, and 15, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lusar include a pivotable ductor roller, and to change the ink stripe length for adjusting a requisite quantity of ink, because Bradford teaches that changing the ink stripe length is advantageous for controlling the amount of ink transferred.

Further regarding claims 6, 14, and 15, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Lusar to modify the

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control device to adjust the ink stripe length as a function of a temperature, a property of the ink, and a paper property, because Lachajewski teaches that taking these non-linearities in the operation and environment of the printing press into account when controlling the ink control device is advantageous for overcoming known disadvantages of other systems such as inaccurate, expensive, and time consuming adjustment techniques requiring a high level of operator expertise, and the method that results is an accurate and quick method of determining ink key settings which minimizes the required time and material costs.

5. Claims 3, 7, 9, 10, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luser in view of Lachajewski as applied to claims 1, 8, and 11 above, and further in view of Bradford et al.

The combination of Luser and Lachajewski teaches all that is claimed as discussed in the rejection of claims 1, 8, and 11 above.

Luser also teaches:

- storing characteristics (col. 2, lines 47-50) for various area coverages as a function of the printing speed and, upon the occurrence of a change in the printing speed, varying the amount of ink in accordance with a respective characteristic (claims 3, 10, and 13);

Luser does not teach:

- storing characteristics for the ink stripe length for various area coverages as a function of the temperature, the property of the ink, or the paper property (claim 3);

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- changing an ink stripe length for adjusting a requisite quantity of ink (claims 7, 9, and 12);

Bradford teaches a method and means for operating a press, including:

- changing an ink stripe length for adjusting a requisite quantity of ink (by changing the amount of time the ductor roller is in contact with the fountain roller) (col. 3, lines 24-28) (claims 7, 9, and 12);
- that such a method and means is advantageous for obtaining imprints of uniform quality without reducing the output of the press (col. 1, lines 27-29);
- that ink stripe length is an important parameter that effects the amount of ink transferred (col. 3, lines 25-29).

Lachajewski teaches an adaptive color control system and method for regulating ink in which variables such as ink variations, operating temperature variations, difference in paper stock, and speed of the press (col. 3, lines 5-8) have an effect on the setting of ink control devices. Lachajewski teaches that taking these non-linearities in the operation and environment of the printing press into account when controlling the ink control device is advantageous for overcoming known disadvantages of other systems such as inaccurate, expensive, and time consuming adjustment techniques requiring a high level of operator expertise (col. 2, lines 21-23), and the method that results is an accurate and quick method of determining ink key settings which minimizes the required time and material costs (col. 2, lines 38-41).

Regarding claims 7, 9, and 12, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Luser to change the ink stripe length for



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adjusting a requisite quantity of ink, because Bradford teaches that changing the ink stripe length is advantageous for obtaining imprints of uniform quality without reducing the output of the press.

Regarding claims 3, 10, and 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Luser to store the characteristics for the ink stripe length for various area coverages as a function of printing speed and upon the occurrence of a change in the printing speed, vary the ink stripe length, because Bradford teaches that the ink stripe length is an important parameter which affects the amount of ink transferred.

Further regarding claims 3, 10, and 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Luser to store the characteristics for the ink stripe length for various coverages as a function of the temperature, a property of the ink, and a paper property, because Lachajewski teaches that taking these nonlinearities in the operation and environment of the printing press into account when controlling the ink control device is advantageous for overcoming known disadvantages of other systems such as inaccurate, expensive, and time consuming adjustment techniques requiring a high level of operator expertise, and the method that results is an accurate and quick method of determining ink key settings which minimizes the required time and material costs.

### ***Response to Arguments***

6. Applicant's arguments, see pages 7-10, filed 15 September, 2003, with respect to the rejection(s) of claim(s) 1, 3, and 6 under 35 USC § 103 have been fully considered and are

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persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the newly found prior art.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Doherty, US 5,224,421 and Kipphan et al., US 5,031,535 each teach a method for adjusting ink control devices having obvious similarities to the instant application.

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

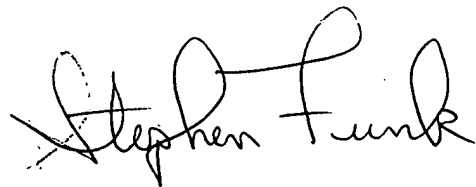
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (703) 305-3339. The examiner can normally be reached on M-F 8:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0952.

Leo T. Hinze  
Patent Examiner  
AU 2854  
20 November, 2003

A handwritten signature in black ink that reads "Stephen Funk". The signature is written in a cursive style with a large, stylized "S" and "F".

**STEPHEN R. FUNK  
PRIMARY EXAMINER**